



3618

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/941,390	
	Filing Date	August 28, 2001	
	First Named Inventor	Shane CHEN	
	Art Unit	3618	
	Examiner Name	F. VANAMAN	
Total Number of Pages in This Submission	5	Attorney Docket Number	BWD:7945.006

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Office Action mailed 1/2/04 Receipt Acknowledgment Postcard
Remarks		

RECEIVED
FEB 17 2004
GROUP 3600

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William O. Geny, Esq. Chernoff, Wilmer, McClung & Stenzel, LLP
Signature	
Date	February 5, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	William O. Geny
Signature	
Date	February 5, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS

Applicant: Shane CHEN
Serial No: 09/941,390
Filed: August 28, 2001
Title: DETACHABLE MOTOR FOR SCOOTER

Group Art Unit: 3618
Examiner: F. VANAMAN

RECEIVED
FEB 17 2004
GROUP 3600

RESPONSE

1600 ODS Tower
601 SW Second Avenue
Portland, Oregon 97204-3157

February 5, 2004

Commissioner of Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In the Office Action of January 2, 2004, the Examiner rejected claims 32, 42 and 43 as anticipated by Parks (U.S. Patent No. 6,531,838). This rejection is respectfully traversed.

The claims at issue are claims 32, 42 and 43. These claims were indicated as allowable in the previous Office Action dated September 24, 2003. The new reference to Parks does not show or contain the limitations contained in these claims.

Claim 32 requires a motor assembly selectively detachably coupled to a vertical steering shaft. The motor assembly comprises a case and a motor. In element (c), the claim calls for a biasing mechanism associated with the motor assembly for urging a rotary output shaft into engagement with the front wheel. The biasing mechanism comprises a spring positioned

between a bottom portion of the case and the motor.

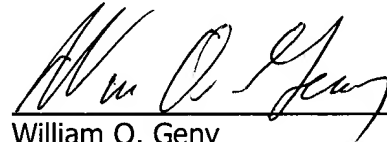
No such structure is shown in Parks. There is no spring positioned between a bottom portion of anything that could be called a "case" and the motor. Instead, a battery case rests on a bracket on one side of the steering shaft and a motor is attached underneath the bracket on the other side. There is no spring positioned between this case and the motor. The Examiner apparently relies upon what he refers to as a "further battery case" which Parks suggests in column 3, lines 36-40 which could be placed adjacent the motor. Even if this is so however, neither the text relied upon by the Examiner nor anything else in Parks suggests the use of a spring interposed between the battery case and the motor as a biasing means for urging the rotary output shaft into engagement with the wheel. The only thing shown in Parks that sets the position of the motor relative to the wheel are a pair of screws that fasten it to the bracket. Thus, there is no teaching in Parks that supports the Examiner's position. This rejection should therefore be withdrawn.

In claim 42, element (c) recites that a detachable motor assembly includes a case housing a battery and a motor. Element (e) requires that there be a biasing spring interacting between the battery and the motor so as to urge the rotary output shaft into frictional engagement with the front wheel. No such structure exists in Parks and none is even suggested. Even if the Examiner is correct that the biasing element for the motor could be a spring instead of the screws 38, there is no suggestion that such a biasing mechanism would interact between a battery and the motor. How would the motor be attached to the bracket with a battery on top of it, the motor underneath it, and a spring interacting between the two of them to push the output shaft into engagement with the front wheel? Parks does not say. Parks merely makes a vague suggestion that the motor could be biased against the wheel by a spring but surely such a spring would have to operate between the bracket and the motor and not between any battery and the motor.

Finally, claim 43 provides that the case, which houses both a battery and a motor, is vertically slidable with respect to the clamp. In claim 42, the motor assembly is coupled to the steering shaft by a vertically adjustable clamp mechanism. Thus, claim 43 requires a motor assembly clamped to the vertical steering assembly which is vertically slidable with respect to the clamp. Nothing of the sort appears in Parks nor is it suggested in any way in Parks. Both the battery and the motor in Parks are fixed on the bracket which is clamped to the vertical steering shaft. Neither the motor nor the battery is slidable with respect to the clamp.

For the reasons stated herein, the rejection of claims 32, 42 and 43 should be withdrawn and the case should be allowed to pass to issue.

Respectfully submitted,

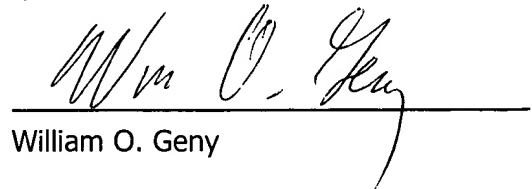


William O. Geny
Reg. N° 27,444
Of Attorneys for Applicant
Tel: (503) 227-5631

CERTIFICATE OF MAILING

I hereby certify that this Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on February 5, 2004.

Dated: February 5, 2004



William O. Geny